

# **EXHIBIT 7**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF SOUTH CAROLINA  
3 GREENVILLE DIVISION  
4 EDEN ROGERS AND BRANDY WELCH,  
5 Plaintiffs,

6 vs. C/A No. 6:19-cv-01567-JD

7 UNITED STATES DEPARTMENT OF HEALTH &  
8 HUMAN SERVICES; XAVIER BECERA, IN HIS  
9 OFFICIAL CAPACITY AS SECRETARY OF THE  
10 UNITED STATES DEPARTMENT OF HEALTH &  
11 HUMAN SERVICES; ADMINISTRATION FOR  
12 CHILDREN AND FAMILIES; JOOYEUN CHANG, IN  
13 HER OFFICIAL CAPACITY AS THE SENIOR  
14 OFFICIAL PERFORMING THE DUTIES OF THE  
15 ASSISTANT SECRETARY OF THE  
ADMINISTRATION FOR CHILDREN AND  
FAMILIES; JOOYEUN CHANG, IN HER OFFICIAL  
CAPACITY AS PRINCIPAL  
DEPUTY ASSISTANT SECRETARY OF THE  
ADMINISTRATION FOR CHILDREN AND  
FAMILIES; HENRY MCMASTER, IN HIS  
OFFICIAL CAPACITY AS GOVERNOR OF THE  
STATE OF SOUTH CAROLINA; AND MICHAEL  
LEACH, IN HIS OFFICIAL CAPACITY AS STATE  
DIRECTOR OF THE SOUTH CAROLINA  
DEPARTMENT OF SOCIAL SERVICES,  
Defendants.

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17  
18 VTC 30(b)(6) SC DSS, Through its agent:  
DEPOSITION OF: DAWN BARTON

19  
20 DATE: December 17, 2021  
TIME: 9:33 a.m.  
LOCATION: Zoom - Columbia, SC

21  
22 TAKEN BY: Counsel for the Plaintiffs  
23 REPORTED BY: Roxanne Easterwood, RPR  
24 VIDEOGRAPHER: Roosevelt Hamilton  
25

1 APPEARANCES OF COUNSEL:

2 ATTORNEYS FOR PLAINTIFFS:

3 Cravath Swaine & Moore

4 By: Rebecca Schindel

Serena Candelaria

(Appearing by VTC)

5 825 Eighth Avenue, Suite 4043B

New York, NY 10019

6 rschindel@cravath.com

scandelaria@cravath.com

7 (212) 474-1989

8 Lambda Legal

9 By: Currey Cook

Maia Zelkind

10 (Appearing by VTC)

120 Wall Street, Floor 19

11 New York, NY 10005

ccook@lambdalegal.org

12 mzelkind@lamddalegal.org

(212) 809-8585

13 American Civil Liberties Union (ACLU)

14 By: Leslie Cooper

15 (Appearing by VTC)

125 Broad Street, 18th Floor

16 New York, NY 10004

lcooper@aclu.org

17  
18 ATTORNEYS FOR UNITED STATES DEPARTMENT OF

19 HEALTH & HUMAN SERVICES, ET AL.:

20 United States Attorney's Office South  
Carolina

21 By: Marshall Prince

(Appearing by VTC)

22 1441 Main Street, Suite 500

Columbia, SC 29201

23 marshall.prince@usdoj.gov

(803) 929-3000

1 ATTORNEYS FOR HENRY MCMASTER, IN HIS  
2 OFFICIAL CAPACITY AS GOVERNOR OF THE  
3 STATE OF SOUTH CAROLINA; and MICHAEL  
4 LEACH, IN HIS OFFICIAL CAPACITY AS  
5 STATE DIRECTOR OF THE SOUTH CAROLINA  
6 DEPARTMENT OF SOCIAL SERVICES:

7 Nelson Mullins Riley & Scarborough  
8 By: Miles Coleman  
9 (Appearing by VTC)  
10 2 W Washington Street, Suite 400  
11 Greenville, SC 29601  
12 miles.coleman@nelsonmullins.com  
13 (864) 373-2300  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
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1 setting, and -- and they need a level of treatment  
2 that a foster home, perhaps, could not offer them  
3 in order to stabilize them, so...

4 But, yes, to answer your question  
5 precisely, we -- we do lack enough foster homes in  
6 the state to be able to place young people in.

7 Q. In- -- including young people who  
8 would be -- who would -- who would do well with a  
9 foster care placement?

10 A. Yes. I'd say those -- the -- the --  
11 the Group Care 1 kiddos, they are -- I mean,  
12 they're all -- they don't have these exceptional  
13 needs like your Group Care 3, and so many of those  
14 young -- those kids who you see in Group Care 1  
15 could easily be stepped down into a -- a foster  
16 home if there was availability.

17 Q. Are there children in Region 1 who are  
18 currently eligible for adoption but for whom  
19 adoptive placements have not yet been identified?

20 A. Yes.

21 Q. How many children are in that  
22 category?

23 A. Again, I don't have that number  
24 precisely, but we have that data that we can  
25 provide for you.

1 Q. Great.

2 A. I can tell you that we have around 170  
3 children legally free and waiting with no  
4 resources currently in the state, but I don't know  
5 what that equates for just the Upstate.

6 Q. Got it. Okay. And do you know -- do  
7 you have a sense of how that -- how that data has  
8 changed since 2018?

9 A. I don't, but we have -- yeah, we  
10 could -- yeah, we could get you that comparative  
11 data.

12 Q. Perfect. Great. Is DSS the only  
13 state agency that handles foster care in South  
14 Carolina?

15 A. Can you repeat that? I'm sorry.

16 Q. Oh, sure. I said, is DSS the only  
17 state agency that handles foster care -- foster  
18 care in South Carolina?

19 A. Yes.

20 Q. And what was DSS's budget for the past  
21 year?

22 A. I don't know that information.

23 Q. Do you have a sense of what percentage  
24 of DSS's budget is devoted to foster care?

25 A. I do not.

1 Q. Is that -- I'm sure that's something  
2 that DSS has.

3 A. Yeah, I would -- I would say that --  
4 that either Susan Roben or Dawn Grant could  
5 provide that information.

6 Q. Great. Thank you. And does DSS  
7 license potential foster parents?

8 A. Yes.

9 Q. Is DSS the only entity that can  
10 license foster parents in South Carolina?

11 A. Yes.

12 Q. Can potential foster parents apply to  
13 become foster parents directly through DSS?

14 A. Yes.

15 Q. And you mentioned this earlier, but  
16 what is kinship care?

17 A. So kinship care is -- is the agency's  
18 effort to place children and youth that can't  
19 remain with their -- in their family homes, place  
20 them with people who they're already connected to  
21 and know, and that could look like -- we define  
22 kinship care as relations through blood, marriage,  
23 or adoption, but we -- we ex- -- we extend that in  
24 South Carolina to also consider fictive kin  
25 underneath the kinship umbrella.

1                   So those could be -- those could be  
2                   close friends, coaches, teachers, people children  
3                   are connected to in their communities that may not  
4                   be related to them by blood, marriage, or  
5                   adoption.

6                   Q.     And at some point was there a change  
7                   made in DSS's policies such that it only handled  
8                   -- now handles applications for kinship care?

9                   A.     Yes.

10                  Q.     And when did that change take place?

11                  A.     Last July.    So July of 2020.

12                  Q.     Okay.   And before July 2020, did DSS  
13                  state agency work with both kinship and  
14                  non-kinship prospective foster parents?

15                  A.     Yes.

16                  Q.     And so under this change, does this  
17                  mean that potential foster parents who do not  
18                  qualify as kin under the definition you provided a  
19                  moment ago no longer have the option of applying  
20                  directly through DSS to become licensed?

21                  A.     Can you repeat that question again?

22                  Q.     Sure.   Let me try -- let me see if I  
23                  can just read it back.

24                         So under the change of policy, does it  
25                         mean that potential foster parents who are not



1 kin, under- -- understanding it's a broader  
2 definition of kin, based on what DSS considers  
3 kin, can parents who are not kin -- potential  
4 foster parents who are not kin no longer apply  
5 directly through DSS to become licensed?

6 A. So this was a -- this was a practice  
7 change and not a policy change. Let me clarify  
8 that. This was something that we decided to -- we  
9 needed to build some capacity to be able to really  
10 intensify our search and engagement and  
11 recruitment of kinship families. And so we  
12 transitioned all of that work to our child-placing  
13 agencies.

14 And so with that being said, we -- we  
15 wouldn't deny somebody the ability to come --  
16 to -- to still come, and if they didn't want to  
17 work with any of our CPAs today, they -- we would  
18 still support them through the licensure process.  
19 They could still -- they could still come through  
20 DSS if for some reason they did not want to work  
21 with one of the child-placing agencies. So we  
22 wouldn't deny anybody that -- that ability.

23 Q. Was the reason for the change in  
24 practice because DSS didn't have the capacity to  
25 handle all of these applications itself; it needed

1 to offload some of this work onto the CPAs?

2 A. The change of practice was so that we  
3 could really intensify our focus and efforts on  
4 kinship care.

5 Q. But -- but just so I understand, the  
6 idea being that you couldn't do both; you couldn't  
7 focus your efforts on kinship care and also handle  
8 all of these non-kinship applications?

9 A. Yes. It was a way for us to be able  
10 to have the capacity to -- to do a targeted focus  
11 on recruiting and licensing and engaging our  
12 kinship opportunities for our kids, and it also  
13 was a way to really try to build our placement  
14 array, frankly, because if you -- if you're just  
15 focused on recruiting non-kin families, A, kids do  
16 better when they're with people that they're  
17 connected to and they already know. It's less  
18 traumatic. There's so many benefits to kinship  
19 care; and B, if you have kinship and non-kin  
20 families that you are able to place kids with,  
21 that just expands your family-like settings for --  
22 for kids.

23 Q. Right. But assuming that -- that  
24 people who previously were able to work with DSS  
25 are now able to work with CPAs; is that right?

1           A.     I don't understand the question.

2           Q.     Well, your answer about expanding the  
3     array assumes that the people who previously were  
4     able to work with DSS can now work with private  
5     CPAs; is that right?

6           A.     They can work with private. They've  
7     always been able to work with -- with private  
8     CPAs. That's always been an -- an option. We  
9     just really, we just shifted a large portion of  
10    the work through our central intake system through  
11    Heartfelt Calling.

12                   That -- that's the centralized place  
13    that all of the applications and intakes funnel  
14    through. We contract with -- with them to -- to  
15    do that piece of the work for us, and so now that  
16    families were just given more choices other than  
17    DSS.

18           Q.     So -- so Heartfelt Calling is a  
19    central place -- so -- so if I'm a potential  
20    foster parent, I'm not kinship, I'm not kin to any  
21    potential child, I would go to Heartfelt Calling  
22    to apply to become a foster parent?

23           A.     That -- you can go -- that -- that's  
24    where most people go because it's -- it's sort of  
25    the centralized place that is designated to do

1 that. They could go directly to a CPA. So I  
2 think it happens both ways.

3 Q. Do you have a sense -- you -- you said  
4 most people do Heartfelt Calling. Is that  
5 something that DSS tracks?

6 A. Yes.

7 Q. Okay. And do you have a sense of --  
8 of the breakdown and how many people go through  
9 Heartfelt Calling versus working directly with a  
10 private CPA?

11 A. I don't -- I don't have -- I don't  
12 know if I have the private CPA data, like -- well,  
13 I shouldn't say I.

14 I think we could get the C- -- the  
15 private CPA data. Heartfelt Calling tracks all of  
16 the calls and applicants that they get through --  
17 through our centralized line.

18 Q. And when you say we, DSS, could get  
19 the private CPA data, does that mean that DSS has  
20 that data or that DSS could ask for that data?

21 A. I'm not sure if that's something we  
22 track through the contracts. If that's -- you  
23 know, they have reporting requirements through the  
24 contracts. So I don't know if that's the natural  
25 part of what they report, or if we would have to

1 actually ask them for it.

2 Q. Has DSS ever asked private CPAs how  
3 many people are applying through them to become  
4 foster care parents?

5 A. Yes.

6 Q. When does it ask that question?

7 A. We -- I know we started tracking this  
8 somewhat. We have to report through our annual  
9 progress and services reporting for the federal  
10 government, and so, you know, that's some of the  
11 information that -- that I believe we supply for  
12 that -- those reporting purp- -- reporting  
13 purposes annually. So I do think that -- if  
14 that's data that you -- you would be interested  
15 in, I do think that's something that we could get  
16 for you.

17 Q. Fantastic. Okay. And so just -- just  
18 to make sure I'm clear about what it is, it would  
19 be data that would show how many people are  
20 applying directly through private CPAs to become  
21 foster parents, you -- you think that would be  
22 data you would have?

23 A. Yes. I can def- -- I -- I can most  
24 definitely say that Heartfelt Calling has been  
25 tracking that since -- at least since July, since

1 we started transitioning that work over to the  
2 child-placing agencies. They have a breakdown  
3 of -- of what that is.

4 Q. Okay. And -- and then, hopefully,  
5 there would also be a breakdown for the private C-  
6 -- for the direct channel in --

7 A. Yes.

8 Q. -- the Heartfelt Calling -- okay.  
9 Terrific.

10 MS. SCHINDEL: So, Miles, I may not  
11 call this out every time, but I will -- we will  
12 make sure to gather all of this up and make sure  
13 that we're following up with you afterwards.

14 MR. COLEMAN: Yes. That's on -- I  
15 think this one, too, we can -- we can figure it  
16 out, you know, next week. I think we may -- if  
17 I'm understanding what you're looking for, you may  
18 already have that data from Diana's deposition  
19 yesterday, but we -- we can -- we can figure that  
20 out Monday or something like that.

21 MS. SCHINDEL: Okay. Great. Thank you.

22 BY MS. SCHINDEL:

23 Q. And if -- if someone applied to work  
24 directly with a CPA and were turned away by that  
25 CPA for whatever reason, would DSS learn about

1 that?

2 A. The only way we would learn about it  
3 would be if -- if the family contacted us or --  
4 or -- and -- and that's the only way we would know  
5 about it.

6 Q. Okay. So DSS wouldn't -- there's no,  
7 sort of, tracking mechanism for DSS to account for  
8 who's applying and being turned away?

9 A. Each CPA, as I understand, tracks  
10 that, but that is not something that we track.

11 Q. And when you say each CPA tracks that,  
12 is it tracked -- what makes you say that each CPA  
13 tracks that data?

14 A. I mean, I'm -- I'm making a large  
15 assumption that -- that that would be something  
16 that a CPA would track, but we do not -- we do not  
17 track that. We actually don't even get -- from --  
18 from a child-placing agency, we -- we don't get  
19 the actual packet for licensure. That's kind of  
20 when we become aware that -- that -- that an  
21 applicant has applied and -- and the CPA has been  
22 working with them.

23 Now, Heartfelt Calling, obviously,  
24 collects data on the front end. So if that  
25 applicant came in through Heartfelt Calling,

1 Heartfelt Calling would -- would track -- they  
2 follow up with the child-placing agencies that  
3 these families have chosen to go to, and they  
4 follow up to -- to -- to determine, because  
5 they're tracking how -- you know, when -- when  
6 they actually finish the process. So when they  
7 started the application and then when an -- when a  
8 license was actually issued.

9 So if they came through Heartfelt  
10 Calling, I'd say, again, starting last July to  
11 current, we probably would be able to have that  
12 information, but otherwise, prior to that time we  
13 would not have necessarily known.

14 Q. Got it. And what -- why don't you  
15 explain, sort of, what Heartfelt Calling is?

16 A. So we have a contract with the South  
17 Carolina Foster Parent Association, and there's  
18 several components within that contract that they  
19 provide support to the agency for, and one of the  
20 components is Heartfelt Calling.

21 And so it is the centralized  
22 application and intake line that they have. It's  
23 HeartfeltCalling.org. There's a, like, 1-88 (sic)  
24 number that people can call. They have a couple  
25 of folks on staff that, if you call, if you email,



1 they will walk you through the application  
2 process, and they have -- and so they do all of  
3 that upfront work, and then they -- they send that  
4 application to whatever -- today, to whatever  
5 child-placing agency a family chooses.

6 So they don't choose the family for --  
7 choose the CPA for the family. The family is  
8 given a list of all of the available CPAs, and --  
9 and they -- they then choose their own.

10 Q. And did Heartfelt Calling exist before  
11 July 2020?

12 A. Oh, yes.

13 Q. But it played, it sounds like, a  
14 different -- a slightly different role before that  
15 time; is that right?

16 A. They were -- they were just main -- I  
17 mean, at that time, prior to last July -- prior to  
18 July 2020, they were just screening applicants for  
19 us, for -- for DSS, and then we -- when we shifted  
20 some of that work and shared that work with the  
21 CPAs, they began doing that upfront screening and  
22 -- and work for -- to help -- help the CPAs and  
23 the families get to where they wanted to go.

24 Q. So I'm going to ask you a couple of  
25 more state-related questions, and you can just

1 tell me. If it's something that you know the  
2 answer, terrific. Otherwise, tell me if -- DSS to  
3 provide is, which is, before July 2020, how many  
4 families per year, say, roughly, starting in 2018,  
5 did DSS recruit who were not applying under the  
6 kinship care umbrella?

7 A. So I don't have that data in my head,  
8 but that is data that we would be able to -- to  
9 get you.

10 Q. And then the -- the same question  
11 slightly different is, before July 2020, how many  
12 families were trying to serve as kinship care  
13 foster parents?

14 A. Yeah, I -- we would -- we could -- we  
15 could try to get you that data. Again, we -- we  
16 began tracking that data pretty closely, and our  
17 big push with kinship started roughly two years  
18 ago. So -- so you will -- you will see a huge  
19 increase between, I'd say, like, 20- -- the end of  
20 2018 to -- to now or either 20- -- early 2019 to  
21 now.

22 We -- we have had a large spike in the  
23 number of licensed kinship care providers, because  
24 we started off with, really, like, around, I want  
25 to say, 5 and -- and now we're -- we're into the

1 families who can accommodate and care for children  
2 with medically complex needs. It -- it's really,  
3 you -- you -- you need a diverse group of -- of --  
4 of foster families who can assume responsibilities  
5 and care for lots of different types of children.

6 Q. So returning to the line of questions  
7 we were just talking about. You -- you had  
8 mentioned that private CPAs support foster parents  
9 during the application process; is that right?

10 A. Yes. Well, yes. It's -- again, going  
11 back to that Heartfelt Calling piece, when you say  
12 application process, once they get through the  
13 application process, they're -- they're then at  
14 the licensing process then, in my mind, I guess.

15 Q. So it sounds like the answer -- I  
16 mean, it sounds like the answer is, yes, CPAs do  
17 provide support during the application, the sort  
18 of application/licensing process; is that right?

19 A. Yes. Yes.

20 Q. And do all private CPAs provide  
21 support during this process?

22 A. Yes.

23 Q. Are there differences among the CPAs  
24 in terms of what support they provide?

25 A. They -- they all have to -- have to

1 provide a -- a general area of -- of support. You  
2 know, we have a contract. There's certain  
3 supports that are outlined in that contract, and  
4 many of them do things perhaps beyond that, and it  
5 may -- so it may look a little bit different, but  
6 the general requirements of what they have to do  
7 to support to meet the requirements of the  
8 contracts are the same.

9 Q. Is DSS aware of the fact that some --  
10 some CPAs go above and beyond what's required by  
11 the contract in terms of providing support during  
12 the application process?

13 A. I don't -- I mean, I don't have  
14 knowledge specifically of -- of -- of who does  
15 what for their families outside of -- that sits  
16 outside of the contract. You know, we have a lot  
17 of -- we have a lot of child-placing agencies that  
18 have a lot of donor dollars, and they do those --  
19 those kind of supports, help provide those extra  
20 supports outside -- that sits out -- outside of a  
21 contract.

22 It could be something as simple as,  
23 you know, they've put together -- and I'm totally  
24 making this up as an example. But they have put  
25 together a -- a group of people who are -- who are

1 going to go and take meals to foster families when  
2 they get a new placement or mow their grass or --  
3 I mean, you know, those -- those kind of things  
4 sit outside of a contract.

5 Q. Right. Is -- is Miracle Hill one of  
6 the CPAs that you're envisioning when you talk  
7 about CPAs that have all the donor dollars that  
8 are able to go above and beyond what's required by  
9 the contract?

10 A. So I'm not aware of how -- what kind  
11 of donor dollars Miracle Hill has or any other  
12 CPA. I mean, I do know, obviously, some are more  
13 blessed than others in that way, and -- and they  
14 have -- they have a lot of, you know, donor  
15 support for their organizations that -- that allow  
16 them to do things -- do -- support foster families  
17 and our kids outside -- that sit outside of our  
18 contract, but I'm not aware specifically of  
19 what -- what Miracle Hill has.

20 Q. So it sounds like you're aware -- it  
21 sounds like DSS is aware that some CPAs are able  
22 to do more, but DSS doesn't know which ones they  
23 are?

24 A. That's correct. I don't know that  
25 information specifically.

1 Q. So then how did DSS know that some  
2 provide more services than others?

3 A. You -- I mean, you just -- you hear  
4 and -- I mean, you hear about folks in the  
5 community. You see it all over social media of --  
6 of -- of certain organizations that are  
7 fundraising and supporting children and families  
8 who are supporting the foster care system.

9 Q. And is Miracle Hill one of the  
10 organizations that you've -- that you're heard  
11 about in these anecdotal settings about providing  
12 extra support to its families?

13 A. Not Miracle Hill specifically.

14 Q. Are there differences between the  
15 CPAs' reputations?

16 A. No.

17 Q. All CPAs are viewed as  
18 interchangeable?

19 MR. COLEMAN: Object to the form of the  
20 question.

21 But you can answer.

22 THE WITNESS: What -- what do you mean  
23 by interchangeable?

24 BY MS. SCHINDEL:

25 Q. Well, I guess I'm a little confused by

1 your answer, though, because you -- about how you  
2 see on social media that -- that certain CPAs are  
3 doing certain things, supporting families in  
4 certain ways.

5 So it sounds like CPAs do have sort of  
6 reputations within the communities; is that fair?

7 A. That's fair, yes.

8 Q. And so are there differences among  
9 those reputations? Are some known to -- to -- to  
10 have particularly good reputations within the  
11 community?

12 A. I'm -- I'm not -- I'm not aware of --  
13 of anyone judging a particular CPA on their  
14 reputation. What I will say is, is that you  
15 have -- we have some really tiny, small, small  
16 CPAs. So you have CPAs who maybe only have two  
17 foster homes. They have just two licensed foster  
18 homes. And then you have some who have 50 foster  
19 homes, and you have some --

20 So -- so I would say, it stands to  
21 reason that your larger child-placing agencies who  
22 have the -- the sort of more foster homes, likely  
23 are maybe recruiting, actually, you know, asking  
24 for support for their organizations maybe a little  
25 bit more because they have more foster families

1 that have more needs.

2 I mean, if you only have two foster --  
3 foster families over here, CPA A has two foster  
4 families versus over here CPA B as 100 foster  
5 families, that's -- that's a pretty significant  
6 difference, and so if you looked at the number of  
7 licensed foster homes over all of the CPAs, both  
8 non-therapeutic and therapeutic, you would see a  
9 vast difference in their size.

10 Q. Got it. That makes sense. And so  
11 that -- that difference in size may affect how  
12 well known they are in the community and how  
13 they're perceived in the community; is that right?

14 A. Yes.

15 Q. And just -- just to hone it in one --  
16 one step further, with the idea being that the  
17 larger CPAs would have a larger presence in the  
18 community, would be more well known and -- and  
19 have more -- people would know more about them?

20 A. Yes.

21 Q. Do -- do private CPAs provide any  
22 support to foster families after they are  
23 licensed?

24 A. Yes.

25 Q. Do they provide training on -- on the



1 unique needs of foster children?

2 A. So some CPAs have their -- it looks a  
3 little bit different. Some CPAs do have -- they  
4 offer their own training, but Heart- -- again,  
5 going back to that Heartfelt Calling component,  
6 another big component of that foster parent, South  
7 Carolina -- South Carolina Foster Parent  
8 Association contract is training.

9 And so they have a learning management  
10 system where they have online trainings. They do  
11 live webinar trainings. The last couple of years,  
12 obviously, we haven't been doing very many  
13 in-person trainings because of COVID. So we  
14 really did transition everything to virtual.

15 So the majority of our CPAs utilize  
16 that learning management system to do that ongoing  
17 continuous training for their foster families,  
18 because we're always adding topics, and then  
19 there's some -- you know, there's -- for instance,  
20 with the new -- with the new regulations that went  
21 into effect in September, we now require CP- --  
22 CPR and first aid. So that's an added requirement  
23 to be -- to be licensed. And so that's -- that's  
24 a training that we just recently had to add to our  
25 menu of trainings, if you will.

1                   So some of them do do their own  
2   trainings and offer them, while others -- and --  
3   and so sometimes it might be a hybrid, where  
4   you've got the CPA doing some training, but they  
5   also send their foster parent -- parents over  
6   to -- to our -- our Heartfelt Calling team that --  
7   where there's an education director and she  
8   provides -- she -- she built the learning  
9   management system and makes sure that all of the  
10   trainings are -- are up to date, and she keeps  
11   adding.

12                Q.    Do CPAs provide counseling for the  
13   foster parents?

14                A.    Counseling? I'm -- I'm not aware that  
15   they provide counseling to the foster parents.  
16   Consultation -- consultation and coaching, yes, I  
17   think that's part of the -- the support that --  
18   that you provide to a foster family.

19                Q.    And -- and the consultation and  
20   coaching, they provide those services to the  
21   foster children and other members of the foster  
22   family?

23                A.    The child-placing agency would not be  
24   responsible for that. Again, the foster care case  
25   manager is responsible for anything involving the

1 child.

2 Q. Do private CPAs help families at all  
3 in caring for a foster child, by -- by which I  
4 mean, you know, helping to make doctors'  
5 appointments, assisting with transportation,  
6 providing care for -- for other children in the  
7 home, anything like that?

8 A. No. That's the responsibility of the  
9 foster parent or the foster care worker.

10 Q. Do -- so -- so foster private CPAs  
11 never provide those types of services?

12 A. I'm not aware that any non-therapeutic  
13 child-placing agency provider provides those  
14 services. That's the responsibility of -- of the  
15 foster care case manager and -- and/or the foster  
16 parent.

17 Q. Do private CPAs donate clothing for  
18 foster children or food or provide birthday or  
19 holiday gifts?

20 A. Again, this seems very case specific  
21 to me. But I'm not aware of a specific case, but  
22 they're constantly doing fundraising, which speaks  
23 to what I -- what I just answered before, which is  
24 reaching out to the community and asking for  
25 certain donations. That may be gifts for

1 Christmas. That may be meals. I think that's --  
2 they -- they ask for -- for lots of different  
3 kinds of support for their families.

4 Q. So then tying back to that answer you  
5 gave earlier, is it -- is it fair to say that CPAs  
6 with larger presences are able to provide those  
7 types of services: getting donations for  
8 clothing, getting birthday cakes, more readily  
9 than some of the smaller CPAs with, say, two  
10 families in their network?

11 MR. COLEMAN: Object to the form of the  
12 question.

13 But you can answer.

14 THE WITNESS: And I would say no, I  
15 don't -- I don't think that's fair to say. I  
16 think it's about how you -- how you recruit.  
17 It's -- it has everything to do with how you're  
18 marketing your needs.

19 BY MS. SCHINDEL:

20 Q. Is DSS aware of private CPAs that  
21 provide these types of services: donate --  
22 clothing donations, birthday cakes, to families  
23 with whom they're working?

24 A. I don't know about birthday cakes and  
25 clothing specifically, but I do know that they

1 provide supports -- you know, some of them do  
2 provide supports that set outside of the contract.

3 Q. And are there differences in the level  
4 of support among -- that CPAs are able to provide?

5 A. I can't answer that, because I'm not  
6 aware. I'm -- I'm not -- I don't know the answer  
7 to that.

8 Q. I -- I guess I find that answer a  
9 little surprising. DSS is not aware of any  
10 differences in the support that is provided by  
11 private CPAs?

12 A. Again, I'm -- I'm not aware of that,  
13 of the differences.

14 Q. Is DSS aware of the differences?

15 A. I'm -- I'm not aware of the  
16 differences. And if I'm DSS, I guess I'm going to  
17 say, no, we're not aware of the differences.

18 Q. So it's DSS's position that all  
19 private CPAs are providing the exact same level of  
20 support and services to the families with whom  
21 they're working?

22 MR. COLEMAN: Objection to the extent  
23 it misstates the witness's testimony.

24 But you can answer.

25 THE WITNESS: The -- so all of the CPAs

1 are required to buy -- to provide a -- a certain  
2 level of support and service that -- that sit  
3 inside and are governed by our contract. Anything  
4 that sits outside of that we think is wonderful.

5 BY MS. SCHINDEL:

6 Q. And DSS is aware that some things are  
7 done that fit outside of those -- the -- the --  
8 the bare minimum that's required by the contract,  
9 right?

10 A. Again, we're -- we're aware of --  
11 of -- of what we see or what we hear of the  
12 different levels of support that sit outside of  
13 the -- of the actual contract itself. What those  
14 acts or supports look like for every single  
15 certain CPA, I -- I could not tell you.

16 Q. Is -- is -- is Miracle Hill a CPA that  
17 is known to DSS to provide extra support beyond  
18 what's required by the contract?

19 A. I cannot say what specifically Miracle  
20 Hill does to support their -- their foster  
21 families that sit outside of our contract.

22 Q. But is Miracle Hill a CPA that is  
23 known to provide extra support, even if you can't  
24 specifically say what that extra support is, to  
25 families outside of what's required by the

1 contract?

2 A. I -- I don't know. I don't know what  
3 other additional supports Miracle Hill provides.

4 Q. Does DSS view Miracle Hill as a CPA  
5 that only does what is required by the contract?

6 A. DSS views Miracle Hill -- Hill just  
7 like other -- every other CPA, and -- and we're  
8 focused on the terms and -- the terms and  
9 conditions of what they agreed to to provide  
10 foster parents within the parameters of the  
11 contract.

12 Q. So beyond what is done -- what is  
13 required by the contract, DSS is not aware of what  
14 other things any CPA does --

15 MR. COLEMAN: Objection to the --  
16 objection.

17 MS. SCHINDEL: I'm not finished, Miles.  
18 Miles, I have to finish my question first.

19 MR. COLEMAN: Please do.

20 BY MS. SCHINDEL:

21 Q. -- beyond what is required by the  
22 contract, DSS is not aware of what other things --  
23 supports and services the CPA provides to the  
24 families that it's working with?

25 MR. COLEMAN: Objection to the form of

1 have swimming pools, because most of them are  
2 going to have to make changes in order to come up  
3 to meet the regulatory requirements now.

4 And so we get lots of questions about  
5 that. Vaccinations were added to the new  
6 regulations. We're getting lots of questions  
7 about -- from child-placing agencies on what that  
8 means for their applicant.

9 So there is a level of consultation  
10 that that comes naturally as they might have  
11 questions about things.

12 Q. Does Miracle Hill have any particular  
13 reputation in the foster care community?

14 A. I don't know of a particular  
15 reputation. They're a child -- they're a  
16 child-placing agency. They're a faith-based  
17 child-placing agency.

18 Q. How would you describe Miracle Hill's  
19 reputation within the foster care community?

20 A. I -- I mean, I think it's -- I would  
21 describe it as good. I have never heard anything  
22 adverse from -- from the families that they serve.  
23 So I -- they -- they have a lot of -- they have a  
24 lot of foster homes. And, in fact -- now, I don't  
25 know what the numbers are today, but initially



1 they were the largest non-therapeutic foster care  
2 agency in the state. They had the most homes at  
3 one point in time.

4 Q. Is Miracle Hill's reputation similar  
5 or different to other CPAs in the Upstate region?

6 A. I wouldn't -- I don't -- I don't know  
7 of any difference. I don't know of any difference  
8 of -- of their reputation versus another CPA in  
9 the Upstate region.

10 Q. Let's take a look at what will be  
11 Exhibit 4, which is Tab 15.

12 (Exhibit 4, Document Titled, All  
13 Placements, Therapeutics Placements, File Number  
14 10545-E-0003-0003, marked for identification.)

15 THE WITNESS: Can we take, like, a  
16 quick bathroom break?

17 BY MS. SCHINDEL:

18 Q. Oh, of course. Yes. Would you  
19 like -- I think lunch is around the corner. So  
20 it's -- is five minutes sufficient for now?

21 A. Yes. I just need to go down the hall,  
22 and I'll be right back.

23 MS. SCHINDEL: Perfect. Then let's  
24 take five minutes.

25 VIDEOGRAPHER: The time on the monitor

1 is 11:39 a.m., and we're going off the record.

2 (A recess was taken.)

3 VIDEOGRAPHER: The time on the monitor  
4 is 11:55 a.m. We are back on the record.

5 BY MS. SCHINDEL:

6 Q. Okay. Ms. Barton, does -- do CPAs  
7 provide recommendations to DSS about the  
8 suitability of prospective foster parents?

9 A. They provide the assessment. So part  
10 of their home study is -- is assessing that family  
11 and in various -- and in various areas. And so,  
12 certainly, they -- they bring a level of  
13 recommendation. They're not the -- they're not  
14 the final decisionmakers.

15 Q. And -- and is that -- DSS is relying  
16 on CPAs to -- to play that role in the process?

17 A. Yes.

18 Q. Okay. Let's take a look at -- I'm  
19 sorry, I don't even know if we marked it yet. We  
20 have not. So Tab 15, which will be Exhibit 4,  
21 which is 10545-0003-0003.

22 Okay. Okay. So do you have this  
23 exhibit up?

24 A. Not yet. It's loading.

25 Q. Okay.

1 MR. COLEMAN: It's Exhibit 4, right?

2 MS. SCHINDEL: Yes, Exhibit 4.

3 MR. COLEMAN: Got it.

4 THE WITNESS: It's up.

5 BY MS. SCHINDEL:

6 Q. Okay. Have you -- have you seen this  
7 document before, Ms. Barton?

8 A. Yes.

9 Q. Okay. And -- and you recognize this  
10 as a document that was provided to us by your  
11 counsel?

12 A. Yeah. I have not seen -- I've seen --  
13 I've seen this data before in this format. I'm  
14 not aware that our counsel provided it to you,  
15 so...

16 Q. I see. So is this a -- a true and  
17 accurate representation of the data that you have  
18 seen in the ordinary course of your work?

19 A. Yes.

20 Q. So what I would like to do is go  
21 through the -- the CPAs on this list. I believe  
22 this document reflects a list of CPAs and -- and  
23 placements from 2017 to 2021; is that accurate?

24 A. Yes.

25 Q. And I would just like to go through

1       them and ask questions -- a couple of questions  
2       about each placement.

3               A.     Okay.

4               Q.     So the first -- the first question for  
5       each of these, and we can just go down the list,  
6       is, does this CPA serve Region 1 or the Upstate  
7       region.

8                       So going down the list, does Alston  
9       Wilkes Society serve Region 1, what I refer to as  
10      Region 1, what you refer to as the Upstate region?

11               MR. COLEMAN:  Objection to the form,  
12      and I think Jackie Lowe was designated and  
13      testified as to the answer to that question.

14                       But if you're answer -- able, you can  
15      --

16               THE WITNESS:  Yeah, and I'm not going  
17      to be able to tell you which of these CPAs serves  
18      which part of the state.  That's not information  
19      that I was aware that I needed to prep for related  
20      to today's deposition.

21      BY MS. SCHINDEL:

22               Q.     So you cannot tell me which CPA served  
23      which parts of the state going down this whole  
24      list?

25               A.     No.

1 Q. Is DSS concerned that discriminating  
2 against foster families on the basis of faith or  
3 sexual orientation would reduce the number of  
4 foster families available to serve?

5 A. Can you repeat that question?

6 Q. Sure. Is DSS concerned that  
7 discriminating -- excuse me -- that discriminating  
8 against foster families on the basis of faith or  
9 sexual orientation would reduce the number of  
10 foster families available in the state?

11 A. DSS is -- I -- I wouldn't say -- I  
12 don't know that the word concerned is correct. I  
13 think my response is, is that, as you can see, we  
14 have a laundry list of child-placing agencies that  
15 serve various parts of the state. So you have  
16 lots of -- you have -- you have a lot of CPAs that  
17 are -- you have some CPAs that are faith-based,  
18 like Miracle Hill, or who are attached to other  
19 parts of the community.

20 For example, Epworth is connected to  
21 the Methodist Church. Connie Maxwell is connected  
22 to the Baptist Church. Thornwell is connected to  
23 the Presbyterian community. The Bair Foundation  
24 focuses on recruiting and licensing foster  
25 families who can take on medically-complex needs

1 of children in foster care.

2 So I would say that there's a variety  
3 of child-placing agencies across the state that  
4 target and recruit particular communities or  
5 particular -- who -- who can serve a variety of --  
6 of different -- different areas and -- and types  
7 of children.

8 Q. I'm not -- I just -- I'm not sure that  
9 that -- that answered my question, which I think  
10 is at least initially a yes-or-no question, and  
11 then to the extent you need to provide context,  
12 you, of course, can.

13 But I -- but the first part is yes or  
14 no, is DSS concerned that discriminating against  
15 foster families on the basis of faith or sexual  
16 orientation would reduce the number of foster  
17 families available?

18 MR. COLEMAN: Object to the form of the  
19 question.

20 But you can answer and explain.

21 THE WITNESS: I -- I would say -- I  
22 would say, I mean, we don't support  
23 discrimination, but I would say do I think that  
24 it -- it's going to impact the number of families  
25 that are recruited, and are we concerned about

1 that? No, I don't think we're concerned about  
2 that, because I think that families have a variety  
3 of choices of pathways for all -- for different  
4 organizations that -- that are the pathway to  
5 support them towards the licensure process.

6 BY MS. SCHINDEL:

7 Q. Is DSS aware of -- of families that  
8 have been discriminated against by CPAs based on  
9 sexual orientation or faith?

10 A. We're aware of each organization -- of  
11 organizations' criteria in which they lay out  
12 within their -- their organizations of the kinds  
13 of families that they want to work with, but I --  
14 I'm not -- other than this particular case, I'm  
15 not -- I'm not aware of anyone.

16 Q. Are CPAs that turn away families based  
17 on faith or sexual orientation required to tell  
18 DSS that they have done so, that they have turned  
19 away families who applied, on those -- based on  
20 those criteria?

21 A. I'm not -- I'm not aware of a  
22 mechanism in which that's reported back to us,  
23 unless -- unless -- unless the family themselves  
24 contact our state office and make us aware.

25 Q. So does -- DSS doesn't require CPAs to

1     notify DSS when they turn away families based on  
2     religion or sexual orientation so that DSS -- DSS  
3     could follow up with those families?

4             A.     No.

5             Q.     Is allowing CPAs to exclude families  
6     based on religious criteria consistent with best  
7     practices in the field of child welfare?

8             A.     Can you repeat the question?

9             Q.     Is allowing CPAs to exclude families  
10    based on religious criteria consistent with best  
11    practices in the field of child welfare?

12            A.     No.

13            Q.     Why not?

14            A.     Again, we -- we don't -- we don't --  
15    we don't believe in discrimination. That's not --  
16    that's not a part of -- that's not a part of -- of  
17    what -- of what we do in -- in the -- in the  
18    licensing process.

19                    Our -- our regulations, our policies  
20    specifically -- specifically say that -- you know,  
21    around the licensing piece related to this matter,  
22    that we -- we will -- we, the agency, will not  
23    discriminate.

24            Q.     And so it sounds like DSS itself will  
25    not discriminate on the basis of religion or



1 sexual orientation, but it understands that it  
2 works with CPAs who do; is that right?

3 A. Our -- there are CPAs that, again,  
4 have -- have a certain criteria and are looking  
5 for particular families that they are going to  
6 work with.

7 Q. Right. And -- and -- and you  
8 testified earlier that DSS is relying on CPAs to  
9 provide -- it -- it -- it relies on CPAs to  
10 provide recommendations for placements for the  
11 children that are in need of homes?

12 A. Yeah. I mean, yes, they are -- they  
13 do -- at this point in particular, since July,  
14 they are predominantly licensing all of our  
15 non-kin families.

16 Q. So then taken together, what -- what  
17 you're telling me is that DSS understands that  
18 CPAs or substantive CPAs it works with are culling  
19 out prospective families based on religion or  
20 sexual orientation, and then DSS takes who is  
21 recommended, who makes it through that screen, and  
22 then DSS does not discriminate further against  
23 those families based on religion or sexual  
24 orientation; is that right?

25 MR. COLEMAN: Object to the form of the

1 question.

2 But you can answer.

3 THE WITNESS: And I'm going to need you  
4 to repeat that. It was a lot.

5 BY MS. SCHINDEL:

6 Q. DSS -- DSS works with CPAs who cull  
7 out families, screen out families, based on their  
8 own set of religious criteria or criteria based on  
9 sexual orientation, and then DSS relies on CPAs to  
10 recommend whoever has made it past that screening  
11 process to become a prospective foster parent in  
12 South Carolina; is that right?

13 A. Yes.

14 Q. If there were a CPA that had a  
15 religious objection to working with black or  
16 interracial families, would DSS permit it to do  
17 so?

18 MR. COLEMAN: Object to the form of the  
19 question.

20 You can answer, if you're able.

21 THE WITNESS: Can you repeat the  
22 question?

23 BY MS. SCHINDEL:

24 Q. If -- if a CPA had a religious  
25 objection to working with black or interracial

1 South Carolina, including the role of the DSS and  
2 the role of private child-placing agencies,  
3 including faith-based CPAs.

4 So I think your objection is  
5 unwarranted, and to the extent you're trying to  
6 coach the witness, I think it's improper.

7 MR. COLEMAN: Well, I disagree. I'm  
8 not coaching the witness. And we can have  
9 different views on which specific topics  
10 designated are relevant. I have made my  
11 objection.

12 MS. SCHINDEL: That's fine. You have  
13 made your objection. The witness should be  
14 answering these questions.

15 MR. COLEMAN: And she is.

16 BY MS. SCHINDEL:

17 Q. I have to look at where I was.

18 A. I think we were at Epworth. I think  
19 we were still going down the list.

20 Q. We were going down the list, but I did  
21 have -- I think I had a question about -- right,  
22 so you had just said: I'm sure the licensed  
23 consultants that work with the individual CPA  
24 provide -- that they're aware of the criteria.

25 So my -- and my question is, is DSS

1 aware of the screening criteria implemented by the  
2 CPAs in South Carolina?

3 A. Yes.

4 Q. And DSS tracks that information?

5 A. Again, I think -- I think your -- your  
6 track is -- is -- is throwing me. We're aware of  
7 the CP- -- of each individual CPA's criteria,  
8 but -- but as far as -- I don't know what you mean  
9 by tracking that.

10 Q. And you're aware of each individual  
11 CPA criteria how? By -- by simply by looking at  
12 the CPA's website, or does DSS follow up with the  
13 CPAs or in some way ask CPAs to tell them what  
14 their screening criteria are?

15 A. So that would be a part of -- of their  
16 submission when they become a CPA. That -- that  
17 would be part of information that -- that they  
18 provide to us as a child-placing agency, when  
19 they're issued -- when they're the child-placing  
20 agency license.

21 Q. Okay. Can you tell me on this list  
22 which CPAs that DSS knows accepts families  
23 regardless of sexual orientation or religion?

24 A. DSS would know all of them.

25 Q. And can you tell me which ones on the

1 list DSS knows accepts families regardless of  
2 sexual orientation or religion?

3 A. I can tell you the ones that -- that  
4 I, today, as the DSS representative know, which  
5 may not -- which may not be inclusive of all of --  
6 you know, of all of them on the list.

7 Q. Yeah, I think -- I think you should go  
8 ahead and do that, because I do think that this is  
9 a topic that you were meant to be educated on. So  
10 I think you should -- I think you should go ahead  
11 and do that.

12 A. So ask -- so can you ask the question  
13 again?

14 Q. Yes. Which of these on this list does  
15 DSS know accepts families regardless of sexual  
16 orientation or religion?

17 A. Okay. So it would be Alston Wilkes,  
18 Broadstep, CAPA, Family Preservation, Growing  
19 Homes Southeast, Crosswell, Justice Works -- which  
20 Justice Works, I wasn't aware they even had  
21 families. They -- they provide services. So I  
22 don't even know that that's related to this -- but  
23 New Foundations, SC Mentor, SC YAP, Specialized  
24 Alternative Youth. And those are the ones that  
25 I'm aware of.

1 Q. Okay. And so then for the rest, does  
2 DSS know which agencies exclude families based on  
3 religion or sexual orientation?

4 A. DSS --

5 MR. COLEMAN: Same -- same objection.  
6 But you can answer.

7 THE WITNESS: DSS would know -- would  
8 know -- would know that information or does know  
9 that information, so yes.

10 BY MS. SCHINDEL:

11 Q. Okay. And so how many -- so DSS knows  
12 exactly how many CS- -- CPA options are available  
13 for non-Christians and for same-sex couples?

14 A. Yes.

15 Q. And what -- does DSS do anything to  
16 relay that information to anybody?

17 A. So if -- if you go on the -- the  
18 HeartfeltCalling.org website, there is a list of  
19 the CPAs, and -- and it -- it does -- they -- they  
20 share just a little bit about who -- what their  
21 mission is and -- and -- and so that's -- I mean,  
22 that's how families are directed.

23 When they -- when they apply today  
24 through Heartfelt Calling, they're directed to a  
25 list of CPAs, and -- and there's -- there's

1 information about each of those CPAs the CPA has  
2 provided about their organizations, so the  
3 families can make the right -- you know, make the  
4 right fit for their family for who they want to  
5 work with on collecting all of the requirements  
6 for licensure.

7 Q. So does that -- that website that  
8 you're referring me to, does it say Miracle Hill  
9 will not work with same-sex couples?

10 A. I have not looked at -- looked at that  
11 in some time. So I -- I can't say that it says  
12 that specifically or not. I would -- I would have  
13 to -- I would have to look at it.

14 Q. Then how do you reconcile those two  
15 statements that you just gave me? You said a  
16 family can go to the website and know exactly who  
17 they can work with, but you actually don't know if  
18 the website, in fact, does provide that  
19 information; is that right?

20 MR. COLEMAN: Object to the form of the  
21 question.

22 You can answer.

23 THE WITNESS: It gives information  
24 about the organization, which could include that.

25 BY MS. SCHINDEL:

1 Q. Right. But the information might not  
2 actually tell families who they can and cannot  
3 work with; is that right?

4 A. That's correct.

5 Q. In total, how many non-therapeutic  
6 CPAs serve Region 1?

7 A. I don't have -- I don't have that  
8 information. I -- I didn't -- I don't have those  
9 numbers.

10 MR. COLEMAN: Same objection. I object  
11 to --

12 (Crosstalk.)

13 THE WITNESS: I mean, we have those  
14 numbers. I just don't have those numbers here  
15 today.

16 BY MS. SCHINDEL:

17 Q. If DSS learns that most of the  
18 non-therapeutic CPAs that serve Region 1 excludes  
19 same-sex couples, would that concern DSS?

20 A. I think it would -- I -- I think it  
21 would concern us, but I also would say that, in  
22 the same light, families always have another  
23 option. They can always come through DSS.

24 Q. If most of the non-therapeutic CPAs  
25 that serve Region 1 excluded same-sex couples,



1 could that harm efforts to grow the pool of foster  
2 families in Region 1?

3 A. I -- I would say, no, because we would  
4 serve -- we would serve those families. There --  
5 there's still an option for those families through  
6 the department.

7 Q. Since DSS changed its practice to  
8 handle just kinship applicants, you said that, and  
9 you're saying now, that DSS would handle  
10 non-kinship applicants if the family didn't want  
11 to work with a particular CPA; is that right?

12 A. Yes.

13 Q. Has DSS handled any non-kinship  
14 applicants since the change in policy?

15 A. I -- I don't -- I don't know. I would  
16 have to look at -- at each region to make that  
17 determination, if -- if we've actually accepted.  
18 It's been very few, if -- if any.

19 MS. SCHINDEL: Okay. Well, this is  
20 definitely Topic 5. So this -- this is  
21 information we absolutely will need to get from  
22 DSS, which is whether DSS has handled any non- --  
23 non-kinship applicants since the change in  
24 practice or policy. And if so, how many.

25 BY MS. SCHINDEL:

1 Q. Sitting here today, you're not aware  
2 of whether DSS has handled any non-kinship  
3 applicants since the change in practices or  
4 policies?

5 A. No.

6 Q. Does Heartfelt Calling know that it  
7 can inform non-kin applicants that they can go  
8 directly to DSS if they prefer?

9 A. It's strongly encouraged, yes, but  
10 they strongly encourage families to work with one  
11 of the child-placing agencies.

12 Q. And how does Heartfelt Calling know  
13 that it can inform that? Has DSS told Heartfelt  
14 Calling that they can tell non-kin applicants to  
15 go directly to DSS?

16 A. They consult with -- they -- they  
17 consult with our -- our director of child welfare  
18 licensing on any -- any individuals that are --  
19 are not feeling like they -- they have -- there is  
20 a good match between them and the CPA.

21 Q. Sorry, it sounds like the answer is,  
22 yes, DSS tells Heartfelt Calling that they can  
23 tell non-kin applicants to go directly to DSS, or  
24 is the answer, no, DSS does not relay that  
25 information?

1           A.     The answer is -- is yes, and Heartfelt  
2     Calling actually reaches out for DSS to consult on  
3     those applicants that would like to come to DSS,  
4     as opposed to a CPA.

5           Q.     Do local DSS offices know they can  
6     handle non-kin applicants?

7           A.     Yes, on a case -- on a -- in a -- on a  
8     very situational basis. So if you do have  
9     families that we -- like we just spoke of,  
10    they're -- they're consulted, but they're not --  
11    they don't -- they don't take applications at the  
12    regional offices for non-kin families. So the  
13    pathway through that would be Heartfelt Calling to  
14    our -- our state office, and then it feeds down  
15    into the region.

16          Q.     So, as we just discussed, Heartfelt  
17    Calling's website did not necessarily let  
18    individuals know which agencies accept people of a  
19    particular faith or of a sexual orientation, but  
20    if somebody called Heartfelt Calling, does  
21    Heartfelt Calling provide that information?

22          A.     I don't know if they provide that  
23    information to families or not. They -- it's my  
24    understanding that Heartfelt Calling directs them  
25    direct to the website or to the -- to the -- the

1 CPAs, either their web page or their information  
2 that they have provided to put on the website.

3 Q. And as we discussed, that information  
4 does not necessarily relay whether an agency will  
5 or will not work with a Catholic family or will or  
6 will not work with somebody of a same-sex marriage  
7 or whatever --

8 A. They --  
9 (Crosstalk.)

10 Q. -- right?

11 A. Yes, that's correct.

12 Q. And those -- those families would  
13 instead have to call around and ask the CPA  
14 directly if they would work with them, if it's not  
15 clear from the website; is that right?

16 MR. COLEMAN: Object to the form of the  
17 question.

18 But you can answer.

19 THE WITNESS: Yes.

20 BY MS. SCHINDEL:

21 Q. I think you had mentioned that  
22 Crosswell accepts families regardless of religion  
23 or sexual orientation; is that right?

24 A. Yes. I'm not aware that they don't.

25 Q. Okay. You had mentioned that DSS

1 takes into account family preferences of children  
2 when making placement decisions, and we talked  
3 about that a little bit. Does that include a  
4 youth who prefers a family who shares his or her  
5 faith?

6 A. Yes.

7 Q. And would it include an  
8 LGBTQ-identified individual who would prefer -- or  
9 child, who would prefer to live in an LGBTQ  
10 family?

11 A. Yes.

12 Q. And are LGBTQ youth overrepresented in  
13 South Carolina's foster care system?

14 A. Sorry, I missed that last part of that  
15 question.

16 Q. Are LGBTQ youth overrepresented in  
17 South Carolina's foster care system?

18 A. Like, overrepresented, as in what  
19 respect?

20 Q. By that, I mean are there -- is there  
21 a larger percentage of -- of youths in foster care  
22 in South Carolina LGBTQ than the percentage of  
23 youth in the -- in the country or in the state  
24 that are LGBTQ?

25 A. No. I would -- I would say they're

1 outlined is the process that DSS has set up; is  
2 that right?

3 A. Yes.

4 Q. Has this practice of allowing CPAs to  
5 turn away families based on their sexual  
6 orientation caused a loss of available families  
7 for children in South Carolina?

8 A. Can you repeat that question?

9 Q. Has the practice of allowing CPAs to  
10 turn away prospective foster parents based on  
11 their sexual orientation caused a loss of  
12 available families for children in South Carolina?

13 A. I would say, yes. If you turned -- I  
14 mean, just one is -- is one less available family,  
15 right?

16 Q. Right. If an applicant went directly  
17 to a CPA and got turned away based on religious  
18 criteria, then no one would follow up with that  
19 family to ensure that they find a CPA, right?

20 The process we were talking about  
21 earlier is just if you start with Heartfelt  
22 Calling; is that right?

23 A. Yes. I mean, you're asking if the  
24 family went directly to the CPA. Yes, that's  
25 correct.

1 Q. Right. No one would follow up with  
2 that family; is that right?

3 A. Well, we -- right. We wouldn't know.

4 Q. Does South Carolina -- excuse me.

5 Did DSS have any idea of how many  
6 foster families in -- South Carolina loses each  
7 year because Miracle Hill and other agencies  
8 exclude potential families based on religion?

9 A. I think the only way we would know --  
10 and I'm -- and, again, I -- we would have to check  
11 with Heartfelt Calling to determine if they could  
12 extract this data, but we would really only know  
13 that over the last year, since -- since last  
14 summer, when we transitioned all that work, but  
15 prior to that time, I -- I don't think we have any  
16 of -- any of that information.

17 Q. Right. And -- and you would only know  
18 based on individuals who started the process with  
19 Heartfelt Calling?

20 A. Yes.

21 Q. Is that right?

22 A. Yes.

23 Q. So that number could be significant, I  
24 mean, given the fact that I told you Miracle Hill  
25 turned away 25 to 30 families. The -- the number

1 could be higher, based on other agencies; is that  
2 right?

3 A. Yes. I think that's reasonable.

4 Q. And -- and DSS -- am I right in saying  
5 that DSS would not know if more than 100 families  
6 had been turned away based on religious criteria?

7 MR. COLEMAN: Object to the form of the  
8 question.

9 But you can answer.

10 THE WITNESS: We would only know,  
11 again, for those applicants that applied through  
12 Heartfelt Calling over the last -- well, since,  
13 like, last July, when we transitioned all of that  
14 non-kin work, but prior to that time, we -- if  
15 they were going directly to those -- those  
16 child-placing agencies and got turned away, we --  
17 we wouldn't -- we wouldn't -- we don't track that  
18 information. We wouldn't know.

19 BY MS. SCHINDEL:

20 Q. Are prospective foster parents aware  
21 that they can apply directly through DSS for a  
22 non-kinship care foster license?

23 MR. COLEMAN: Object to the form of the  
24 question.

25 But you can answer, if you're able.



1 THE WITNESS: Can you repeat that  
2 question?

3 BY MS. SCHINDEL:

4 Q. Sure. Are prospective foster parents  
5 made aware that they can apply directly through  
6 DSS for a non-kinship care foster license?

7 A. It's given -- I mean, it's given to  
8 them after they have -- have -- are not successful  
9 with the CPA. Like, that's their option if -- if  
10 they -- if they are -- are -- can't find a CPA  
11 that's a good fit to work with them.

12 Q. And how is that information  
13 communicated?

14 A. Through Heartfelt Calling.

15 Q. So it's only communicated to families  
16 that begin the process with Heartfelt Calling?

17 A. Yes.

18 Q. Are there currently sibling groups  
19 that are separated because there is not a home  
20 available that has the capacity to serve all  
21 siblings?

22 MR. COLEMAN: Object to the form of the  
23 question, and to the extent that Ms. Tester was  
24 designated for and testified to it.

25 But you can answer, if you can.

1 THE WITNESS: Yes, there are siblings  
2 separated because we don't have -- we don't have  
3 capacity in foster homes to take all of them to  
4 get them -- to get to keep all sibling groups  
5 together.

6 BY MS. SCHINDEL:

7 Q. And how many?

8 A. I don't have that information. DSS  
9 has that information available, but I -- I do not  
10 have that information today.

11 Q. Have any CPAs in South Carolina shut  
12 down before?

13 A. You mean closed?

14 Q. Sorry. Yes. Like, closed --  
15 closed -- closed shop?

16 A. I'm not aware of -- I'm not -- I'm --  
17 I mean, I'm sure there has been, but since --  
18 since my time in this role for the last several  
19 years, I'm not aware that -- that we have -- we  
20 have closed a -- a child-placing agency.

21 Q. Has any CPA shut down for fail- -- or  
22 closed for failure to comply with DSS's policies?  
23 It sounds like the answer is no --

24 A. Not that I'm aware, no.

25 Q. Was DSS prepared to terminate Miracle

1 governor's request for a -- a waiver?

2 A. I don't remember.

3 Q. But you -- you did hear about it at  
4 some point, you testified?

5 A. Yes. Yes.

6 Q. Did you think it was a good idea from  
7 the perspective of child welfare policy?

8 MR. COLEMAN: Object to the form of the  
9 question.

10 But you can answer.

11 THE WITNESS: I think it -- I think it  
12 certainly has caused -- I guess it's -- it's --  
13 I -- I don't -- I don't really know. I don't  
14 really have an opinion.

15 BY MS. SCHINDEL:

16 Q. So you're -- you're responsible for  
17 setting foster care policy in the state of  
18 California -- excuse me, in South Carolina, but  
19 you don't have a view on whether or not that's  
20 good policy or not?

21 A. I -- I don't -- I don't have -- I  
22 don't have an opinion about that. I think it's  
23 very controversial, and -- and so I -- I don't  
24 have an opinion about it.

25 Q. Did any other DSS officials or staff

1 express their views to you in support or against  
2 of allowing CPAs to exclude families based on  
3 religious criteria?

4 A. No.

5 Q. You've had no conversations with DSS  
6 officials or staff about this issue?

7 A. Not -- not about how they felt about  
8 it.

9 Q. Before the waiver went into effect,  
10 did you consider it appropriate to implement a  
11 policy of allowing CPAs to exclude families based  
12 on religious requirements?

13 A. Can you repeat that question?

14 Q. Before the waiver did you, in your  
15 capacity as someone who sets the policy for DSS's  
16 prospective foster care, think it would be  
17 appropriate to implement a policy of allowing CPAs  
18 to exclude families based on religious  
19 requirements?

20 A. No, we did not consider implementing a  
21 policy.

22 Q. So was the -- the policy that allowed  
23 CPAs to exclude families based on religious  
24 requirements implemented only because the  
25 governor's office intervened and told DSS to

1 implement this type of policy?

2 A. Yes.

3 Q. As one of the top foster care policy  
4 makers here at DSS, would you permit CPAs to  
5 exclude families based on religious criteria, if  
6 the whole issue were up to you?

7 MR. COLEMAN: Object to the form of the  
8 question, and ask -- I'll ask for clarification.  
9 Is that -- are you asking her as 30(b)(6) or as an  
10 individual?

11 MS. SCHINDEL: Well, I think that's --  
12 that's pretty clearly in her individual capacity.

13 MR. COLEMAN: You can -- you can answer  
14 the question, as it -- sorry. Go ahead.

15 THE WITNESS: Can you repeat it? I'm  
16 sorry, go ahead. Can you repeat it?

17 BY MS. SCHINDEL:

18 Q. As one -- sure. Sure. So -- well,  
19 let me back up and ask you this part.

20 I understand that you have somebody  
21 that you report to, but is it fair to say that you  
22 are one of the top policy makers in the foster  
23 care space at DSS?

24 A. Yes.

25 Q. So in that role, and if it were up to

1 you, would you permit CPAs to exclude families  
2 based on religious criteria?

3 A. No.

4 Q. What do you think is better from a  
5 child welfare or foster care policy perspective,  
6 to allow CPAs to exclude families based on their  
7 religious criteria or to require all CPAs to  
8 accept all qualified families?

9 MR. COLEMAN: Same -- same request, is  
10 that -- is that asking her speaking on behalf of  
11 DSS or individually?

12 BY MS. SCHINDEL:

13 Q. Well, let's ask -- I think -- I think  
14 let's do it with -- with your -- in your  
15 individual capacity as a policy maker.

16 A. Okay. So I think it would be -- I do  
17 think it would be best to -- to -- to have all  
18 CPAs treating all families, serving all families.

19 Q. And -- and why is that?

20 A. I think it -- it fits with -- it  
21 aligns better with what our organization says we  
22 will do, which is not discriminate against any of  
23 the things, and so -- yeah.

24 Q. And going back to the question I just  
25 asked a moment ago, that if it were up to you, you

1 would -- you would not permit CPAs to exclude  
2 families based on religious criteria, why is that?

3 A. Say that again.

4 Q. I think the answers may be similar,  
5 but I just want to make sure that to the extent  
6 there are any differences.

7 Is -- is -- why when I asked you would  
8 you allow -- would you allow CPAs to exclude  
9 families based on religious criteria, and you said  
10 no, and I just wanted to follow up and ask, you  
11 know, why? Why is that your opinion, as the top  
12 policy -- one of the top policy makers at DSS?

13 A. I see. I see. You -- you're asking  
14 me -- and, again, I think it aligns with the same  
15 thing I responded to before, which is if it were  
16 me as the policy maker's sole decision, then I --  
17 I -- I think that it -- it doesn't -- it would --  
18 it doesn't align, if -- if you're practicing  
19 differently, but yet you're serving -- you're  
20 really -- you're really trying to support the same  
21 mission, then I think that, again, we say we're  
22 not -- we, DSS, the agency, that we're not going  
23 to discriminate against anything.

24 We -- we don't -- we don't care  
25 whether you're purple or green or you're single or

1     you live in a house or you live in an apartment,  
2     and as -- as long as you can care for and support  
3     and you meet all of those regulatory requirements  
4     and you want to sign up to help support our  
5     mission to temporally care for children, I think  
6     having everybody practicing the same way is -- is  
7     best.

8             Q.     And do you think that that policy, you  
9     know, that explanation that you just provided, do  
10    you think it's best because it's best for the  
11    children in foster care?

12            MR. COLEMAN:   And for the sake of the  
13    record, you're answering this in your individual  
14    capacity.

15            THE WITNESS:   Yeah.   Yeah.   So I --  
16    I -- I don't know that it's best for the sake of  
17    the children in foster care, but -- because I  
18    think this -- while -- while, ultimately, I guess,  
19    it might impact the children that are placed with  
20    those families, and, I mean, if you think about  
21    the -- the recruitment and sort of the initial  
22    engagement of an applicant to a particular CPA or  
23    our department, that's really what this is, right,  
24    is -- is that -- that -- is that how does it --  
25    who is going to work with the family towards



1 this -- on here, with the exception of Miracle  
2 Hill, and -- and they're signed on the contract.  
3 Everybody is signed on the contract. Miracle Hill  
4 is the only one that has chosen not to receive the  
5 admin rate.

6 Q. And why did Miracle Hill choose not to  
7 receive the admin rate?

8 MR. COLEMAN: Object to form.

9 But you can answer.

10 THE WITNESS: Yeah, I don't know.

11 They -- they didn't give reason. They -- they  
12 just requested that -- that they were interested  
13 in still being a part of the contract, but did not  
14 feel it necessary to receive the admin rate.

15 BY MS. SCHINDEL:

16 Q. And who -- who did Miracle Hill make  
17 the request to when it -- when it asked to no  
18 longer receive the admin rate?

19 A. I believe that went through our  
20 contract division, our procurement division.

21 Q. And do you know what was discussed?

22 A. I do not, other than the request that  
23 they -- they did not want the admin rate.

24 Q. Are you the person most knowledgeable  
25 about whether Miracle Hill -- about why Miracle

1 Hill chose to no longer receive the admin rate  
2 within DSS?

3 A. I would say -- I would say yes.  
4 Although, I -- the request didn't come to me  
5 directly. But, again, I -- I don't know the re-  
6 -- there was no reason. They -- they were --  
7 just said they -- they didn't -- they didn't want  
8 the admin rate, and so we -- we said, okay.

9 I mean, we can certainly use those  
10 dollars towards other things. So there's still --

11 Q. You mentioned -- oh, sorry.

12 A. I was just going to say, just to --  
13 just to be clear, they're still signed on to the  
14 non-therapeutic contract and have agreed to abide  
15 by those terms of -- of that -- of that contract.  
16 They're just not being paid anything related to  
17 that.

18 Q. Does the fact that Miracle Hill no  
19 longer receives the admin rate change any of their  
20 obligations as the CPA?

21 A. No.

22 Q. Is Miracle Hill still providing  
23 services for DSS?

24 A. Yes.

25 Q. You had mentioned, in response to my

1 questions and in response to some of Mr. Coleman's  
2 questions, that -- that some families may not be  
3 comfortable with certain CPAs. Are there specific  
4 reasons a family might prefer one CPA over  
5 another?

6 A. Sure. I mean, if -- you know, I'll  
7 give you the same example I gave to Mr. Coleman,  
8 which is, you know, if you're -- if you -- if I'm  
9 a member of the United Methodist Church and, you  
10 know, Epworth is promoting the foster care,  
11 promoting foster care and recruiting foster  
12 parents within my church, I might naturally be  
13 more comfortable and choose to go with that  
14 particular CPA because it's affiliated with  
15 something I'm already connected to.

16 Q. Is it possible that one of the things  
17 that might draw families to particular CPAs over  
18 others is because they feel more comfortable with  
19 the people working at that CPA?

20 A. Perhaps. Perhaps they have -- already  
21 have connections there.

22 Q. Or -- or perhaps because the CPA has  
23 offices closer to their home?

24 A. Possibly.

25 Q. Is it important for families to have

1 various CPAs to choose from so that they can find  
2 one that they're comfortable working with?

3 A. Yes.

4 MS. SCHINDEL: I'm going to put on one  
5 more exhibit, which is Tab 17 for us. It will be  
6 Exhibit 10 -- well, no, I suppose -- I guess it's  
7 Exhibit 11.

8 MR. COLEMAN: Yeah.

9 (Exhibit 11, Oasis Website Page, marked  
10 for identification.)

11 MS. SCHINDEL: We have to -- we --  
12 it's written as Exhibit 10 here, but we're going  
13 to have to fix that and make it Exhibit 11.

14 BY MS. SCHINDEL:

15 Q. But let me know when you have that  
16 open.

17 A. I do.

18 Q. Do you recognize this document? It's  
19 a printout from the Oasis website.

20 A. I do not. They're one of our newer  
21 CPAs. So I'm not as familiar.

22 Q. Well, it says: Benefits of fostering  
23 with Oasis. And it lists several benefits on the  
24 left-hand side. Do you see that?

25 A. Uh-huh. Yes.

1 Q. And one of the -- in bold, about five  
2 lines down, one of the benefits, it says, is free  
3 monthly home cleaning service; is that right?

4 A. That's what it says, yes.

5 Q. Did you know that -- does DSS know  
6 that that's a benefit that Oasis provides to the  
7 foster families with which it works?

8 A. I did not know that that was a benefit  
9 of Oasis.

10 Q. Is that benefit required by all CPAs?

11 A. No.

12 Q. Excuse me. Let me rephrase that  
13 question. Well, I think you got it, but let me  
14 just make it cleaner.

15 A. Okay.

16 Q. Is that -- is that -- is that benefit  
17 required by DSS's contract such that all CPAs must  
18 provide it?

19 A. No.

20 Q. And do you know -- does DSS know  
21 whether all CPAs provide this benefit?

22 A. No.

23 Q. Does DSS know that some CPAs do not  
24 provide this benefit?

25 A. No. I mean, I -- I could not tell you

1 who -- who does and who does not.

2 Q. All right. One point that I just  
3 wanted to make clear. You've been asked a couple  
4 of times about case workers and -- and the fact  
5 that DSS assigns case workers, and I -- I just  
6 want to make sure I understand.

7 Non-therapeutic CPAs, do they assign  
8 case workers to the families that they work with?

9 A. They have what they would, I think,  
10 refer to as support, like family support workers,  
11 that supports the family. We have case managers  
12 or foster care workers. You'll hear people refer  
13 to them differently. But they're -- they're  
14 attached specifically to the child.

15 So for the CPA, they have a support  
16 worker that's attached to the family. Our person  
17 is attached to the child, but works with the --  
18 with the family, if that -- I hope that makes  
19 sense.

20 Q. I think so. So is it -- so the --

21 A. I was just going to say, so when a  
22 child comes into foster care, they're immediately  
23 assigned a foster care case manager, and that case  
24 manager, whether they leave -- they might go to  
25 Ms. Smith's house, and they might have to go to a

1 different placement at some point. That case  
2 manager still holds on to that child and is  
3 responsible for the case management of -- of that  
4 child, wherever -- wherever they go while they're  
5 in custody, our -- our custody.

6 Q. And there's not a comparable role  
7 played by somebody affiliated with the CPA that --  
8 that stays with the child wherever they go?

9 A. No.

10 Q. I think -- I'm sorry. Back to this  
11 exhibit that I still have up. Hopefully, you  
12 still have it near you.

13 The free -- the free monthly home  
14 cleaning services, is that something that DSS  
15 provides to the families that it's working with  
16 directly?

17 A. No. Great perk, though.

18 Q. Yeah. And then, I don't have the  
19 documents that Miles -- Mr. Coleman showed, but I  
20 think he showed you this -- the very last thing  
21 that was shown was Section J about religious  
22 education.

23 MS. SCHINDEL: Would you mind putting  
24 that back up, Miles? I just don't have it.

25 MR. COLEMAN: Yeah. Hang on here, real

1 quick. I've got it running off of a different  
2 computer. So hold on. I think this is it. Is  
3 that -- is that what you were looking for?

4 MS. SCHINDEL: Oh, I can't -- hold on.  
5 Let me try popping it up. Yes. Yes.

6 BY MS. SCHINDEL:

7 Q. And so this section which talks about  
8 religious education being in accordance with the  
9 express wishes, if any, of the birth parents.

10 So if -- if a -- if a CPA wants to  
11 provide religious teachings to a child that's  
12 living with a family that it's supporting and  
13 working with and the birth parents have not  
14 expressed wishes about the nature of the religious  
15 teachings that the children are meant to receive,  
16 can the CPA do that? Can the CPA provide  
17 religious teachings to -- to those children?

18 A. No. Any -- any religious -- anything  
19 related to -- to -- to this matter needs to --  
20 their -- the birth parents need to be -- need --  
21 need to be approached and support.

22 Q. So could Miracle Hill, for instance,  
23 could it encourage the families with which it  
24 works to take children to church?

25 A. No, not without the -- not without the